THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.28035 of 2005

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Dated:05.01.2006

Between:

Guntupalli Malleswara Rao S/o Ramayya
r/o Mundlamuru Village, Prakasam District.

..... PETITIONER

AND

The District Collector, Prakasam District, at Ongole, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.28035 of 2005

ORDER:

The petitioner is allegedly owner of land admeasuring Ac.2.08 cents in Survey No.38/A situated at Mundlamuru Village. It was allegedly taken by the respondents for construction of the Mandal Complex at Mundlamuru Village, Prakasam District. After passing award, the second respondent issued a notice under Section 12(2) of the Land Acquisition Act, 1894 (for short 'the Act'), on 31.08.2004, determining the compensation of Rs.69,840/- for an extent of Ac.1.82 cents in Survey No.38-2A of Mundlamuru Village. The petitioner alleges that though the entire land of Ac.2.08 cents was taken by the respondents for construction of the Mandal Complex, by reason of which the petitioner could not cultivate the land for twelve years, the respondents acquired only an extent of Ac.0.26 cents belonging to the petitioner determining the compensation at Rs.9,977/-. Therefore, he filed the present writ petition seeking a direction to the respondents to pay the compensation for the entire extent of Ac.2.08 cents.

Heard the learned Counsel for the petitioner and the learned Assistant Government

Pleader for Revenue (Land Acquisition). Learned Assistant Government Pleader submits that the land admeasuring Ac.2.08 cents was notified in 1987 and the possession was taken on 14.08.1987. However, an award was passed on 31.08.2004 for an extent of Ac.1.82 cents, which was utilized for construction of the Mandal Complex. He denies that the entire extent of the petitioner's land is acquired under the award. As the petitioner's land to an extent of Ac.0.26 cents was only utilized, it shall be open to the petitioner to utilize the balance of land, and if he is aggrieved by the award passed on 31.08.2004, it shall be open to him to challenge in appropriate Forum. The writ petition against a notice of award issued under Section 12(2) of the Act cannot be entertained, because it is incumbent on the part of the Land Acquisition Officer to issue notice of award under Section 12(2) of the Act to every claimant or person interested in the land or to a person who appears before him pursuant to notices under Sections 9(3) and 10 of the Act.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

05.01.2006

vs